THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :4600 of 2006

DATED:06-03-2007

BETWEEN:

K.Ramaiah.

.....
PETITIONER

AND

The Station House Officer,
Gajula Mandyam police station,
Renigunta Mandal,
Chittoor District & another.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction on the part of the 1st respondent in registering the complaint as illegal, and arbitrary.

3. It is not in dispute that a complaint has been lodged by the petitioner on 06-03-2006 with regard to the offence committed by the accused on 04-03-2006. The said complaint was registered on 19-03-2006 i.e., after filing the Writ Petition, which was filed on 06-03-2006. As there was a delay of thirteen days in registering the complaint, which constitutes misconduct on the part of the Station House Officer-1st respondent, this Court by order, dated 21-03-2006, directed the 2nd respondent-Superintendent of Police, Chittoor, to file a counter affidavit and take appropriate action against the Sub-Inspector of Police for the delay of thirteen days in registering the case which constitutes misconduct.

4. The 2nd respondent filed a counter on 31-03-2006 stating that the explanation of the Station House Officer for the delay in

registering the crime was called for vide Memo.C.A.No.A8/PR/1738/80/2006, dated 29-03-2006, as to why disciplinary action should not be taken for not registering the crime till 19-03-2006 which was registered as Cr.No.14 of 2006 for the offence punishable under

Section 427 IPC and Sec.3(1)(x) of the SC/ST (POA) Act. It is stated that ten days time was given to the 1st respondent for submitting the explanation and after submission of the same, appropriate action shall be taken in accordance with law. In view of the action already initiated against the Station House Officer no further orders required to be passed in this Writ Petition.

5. Accordingly, the Writ Petition is closed. No order as to costs.

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V.ESWARAIAH,J

06th March, 2007.

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